



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,259	06/16/2006	Per Magnusson	4208-33	9081
23117 7590 03/11/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
OBAYANJU, OMONIYI				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
03/11/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/583,259

**Applicant(s)**

MAGNUSSON ET AL.

**Examiner**

OMONIYI A. OBAYANJU

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-33, 35-44 and 46-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-33, 35-44, 46-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/16/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims 24-46 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-26, 28, 29, 32, 33, 35-37, 39, 40, 43, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Argence et al. (International Publication No. WO 02104054) in view of Wu et al. (US Patent No. 6332077) and further in view of Applicant's Admitted Prior Art (AAPA).

As to **claims 24, 35, and 46**, D'Argence teaches a method for managing radio resources for providing wireless access to a communication system to a number of terminals, wherein the communication system comprises a first access network using a first access technology and a second access network using at least one second access technology different from the first access technology (pg. 1, lines 8-17), wherein the method comprises the steps of: receiving access relevant information (pg. 4, lines 1-11) from the first access network and the second access network (fig. 5 and pg. 15 lines 22-

24), comparing the received access relevant information extracted from messages sent within the first access network to access relevant information received from the second access network (pg. 17, lines 4-15); and determining which access network a terminal should be accessed based on at least a result of the comparison of the received access relevant information extracted from messages sent within the first access network to the access relevant information received from the at least one second access network (pg. 17, lines 14-18). Also, discloses a selection manager (fig. 1, CRRM #18). However, D'Argence fails to teach extracting access relevant information by sniffing messages sent within the first access network that describes a state of at least one of the access networks based on signal measurements and/or load measurements and the access network which provides a best connection to a terminal.

But, Wu teaches extracting access relevant information (RSSI) by sniffing messages sent within the first access network (AP1) (col. 5, lines 20-30) that describes a state of at least one of the access networks based on signal measurements and/or load measurements and the access network which provides a best connection to a terminal (col. 5, lines 30-35). Thus it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teachings of D'Argence with the method of sniffing information in Wu's system to achieve the goal of removing only the desired configuration information from a packet in a communication system. However, D'Argence in view of Wu failed to disclose wherein the access relevant information is expressed in comparable quantities.

But, AAPA disclosed access relevant information is expressed in comparable quantities (pg. 1, pp0006, lines 11-15, and pp0060, lines 1-5). Thus it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teachings of D'Argence in view of Wu and Applicants Admitted Prior Art to achieve the goal of collecting statistical information to measure the operation or network capacity in a communication system.

As to **claims 25 and 36**, D'Argence teaches wherein the first access network is a wireless local area network (pg. 3, lines 11-13).

As to **claims 26 and 37**, D'Argence teaches wherein at least part of the messages sent within the first access network (fig. 1, #6) are messages sent between access points (fig. 1, #10) and (pg. 7, lines 8-11).

As to **claim 28 and 39**, D'Argence teaches wherein the extracted access relevant information comprises an identification of a terminal and an identification of an access point that the terminal has associated with (pg. 19, lines 4-10).

As to **claims 29 and 40**, D'Argence teaches wherein at least part of the access relevant information is extracted by sniffing user plane traffic for at least one terminal (pg. 13, lines 24-29), which access relevant information is used to calculate traffic volume and/or throughput of the at least one terminal (pg. 19, lines 1-3).

As to **claims 32 and 43**, D'Argence teaches wherein at least part of the messages sent within the first access network are sent between at least one terminal and an access point (pg. 1, lines 1-7).

As to **claims 33 and 44**, D'Argence teaches wherein at least part of the access relevant information extracted by sniffing messages sent within the first access network indicates how frequently a channel was busy, which indicates a load of the channel (pg. 4, lines 10-11).

Claims 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Argence et al (International Publication No. WO 02104054) in view of Wu et al. (US Patent No. 6332077) and Applicant's Admitted Prior Art (AAPA) and further in view of Lee et al (US Patent No. 6657981).

As to **claims 27 and 38**, D'Argence in view of Wu and Applicants Admitted Prior Art teaches the limitations of claim 26 and 37 as discussed above. However they fail to teach defining the message by the Inter-Access Point Protocol (IAPP). Lee teaches an (IAPP) manager used to transfer handover information between access points in a communication network (fig. 5). Thus it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teachings of D'Argence in view of Wu and Applicants Admitted Prior Art with the teachings of Lee to achieve the goal of efficiently and accurately transferring information within access points in a wireless communication system.

Claims 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Argence et al (International Publication No. WO 02104054) in view of Wu et al.

(US Patent No. 6332077) and Applicant's Admitted Prior Art (AAPA) and further in view of Nikkelen (US Publication No. 20030207688).

As to **claims 30 and 41**, D'Argence in view of Wu and Applicants Admitted Prior Art teaches the limitations of claim 24 and 35 as discussed above. However they both fail to teach wherein at least part of the messages sent within the first access network are sent between access points and a router. Nikkelen teaches a core network node used to communicate from the core network through the first type of mobile radio system which includes a radio access network and a base station (fig. 2, #20 and #26). Thus it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teachings of D'Argence in view of Wu and Applicants Admitted Prior Art with the teachings of Nikkelen to achieve a perfect link to transfer data between components of a wireless communication system.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Argence et al (International Publication No. WO 02104054) in view of Wu et al. (US Patent No. 6332077) and Applicant's Admitted Prior Art (AAPA) and further in view of Brahmbhatt et al (US Publication No. 20060116170).

As to **claim 31**, D'Argence in view of Wu and Applicants Admitted Prior Art teaches the limitations of claim 24 as discussed above. However they both fail to teach defining the message by the Light Weight Access Point Protocol (LWAPP). Brahmbhatt

teaches using (LWAPP) specification may determine which access point to associate with, also the messages includes a network ID(pg. 6, pp0052, lines 1-6). Thus it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teachings of D'Argence in view of Wu and Applicants Admitted Prior Art with the teachings of Brahmhatt to achieve the goal of efficiently and accurately transferring information within access points in a wireless communication system.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Argence et al (International Publication No. WO 02104054) in view of Wu et al. (US Patent No. 6332077) and Applicant's Admitted Prior Art (AAPA) and Nikkelen (US Publication No. 20030207688), and further in view of Brahmhatt et al (US Publication No. 20060116170).

As to **claim 42**, D'Argence in view of Wu, Applicants Admitted Prior Art and Nikkelen teaches the limitations of claim 41 as discussed above. However they fail to teach defining the message by the Light Weight Access Point Protocol (LWAPP). Brahmhatt teaches using (LWAPP) specification may determine which access point to associate with, also the messages includes a network ID(pg. 6, pp0052, lines 1-6). Thus it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teachings of D'Argence in view of Wu, Applicants Admitted Prior Art and Nikkelen with the teachings of Brahmhatt to achieve the goal of efficiently and



accurately transferring information within access points in a wireless communication system.

Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Argence et al (International Publication No. WO 02104054) in view of Wu et al. (US Patent No. 6332077) and Applicant's Admitted Prior Art (AAPA) and further in view of Merriam (US Patent No. 6795846).

As to **claim 47, 48, and 49**, D'Argence in view of Wu and Applicants Admitted Prior Art teaches the limitations of claim 24, 35, and 46 as discussed above. D'Argence further teaches wherein messages are directed to an entity in the first access network other than the listening agent (pg. 10, lines 11-25). Wu further teaches wherein sniffing a message includes reading a source address, a destination address, and a data payload (message length) of the sniffed message (col. 5, lines 20-30, and col. 6, lines 50-56, and fig. 5). However, D'Argence in view of Wu and Applicants Admitted Prior Art failed to teach sniffing messages without influencing the sniffed message.

But, Merriam teaches sniffing messages without influencing (interfering or modifying) the sniffed message (col. 6, lines 25-35). Thus it would have been obvious to one of ordinary skill in the art at time the invention was made to combine the teachings of D'Argence in view of Wu and Applicants Admitted Prior Art with the teachings of Merriam to achieve an accurate and a reliable data collection system in a communication system.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **OMONIYI A. OBAYANJU** whose telephone number is (571)270-5885. The examiner can normally be reached on **Mon - Fri, 7:30 - 5:00PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./  
Examiner, Art Unit 2617

/VINCENT P. HARPER/  
Supervisory Patent  
Examiner, Art Unit 2617